



**SENATE AMENDMENT 2,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2009 SENATE BILL 651**

April 20, 2010 – Offered by Senators Leibham and Schultz.

*** AUTHORS SUBJECT TO CHANGE ***

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 6: after “programs;” insert “income and franchise tax credits for
3 insulating concrete forms used to construct a building;”.

4 **2.** Page 4, line 8: after that line insert:

5 “**SECTION 8m.** 71.05 (6) (a) 15. of the statutes, as affected by 2009 Wisconsin
6 Act 28, is amended to read:

7 71.05 **(6)** (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),
8 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3s),
9 (3t), (3w), (3x), (5e), (5f), (5h), (5i), (5j), (5k), and (8r) and not passed through by a
10 partnership, limited liability company, or tax–option corporation that has added that
11 amount to the partnership’s, company’s, or tax–option corporation’s income under s.
12 71.21 (4) or 71.34 (1k) (g).

1 **SECTION 8n.** 71.07 (3x) of the statutes is created to read:

2 71.07 **(3x)** INSULATING CONCRETE FORMS CREDIT. (a) *Definitions.* In this
3 subsection:

4 1. “Claimant” means a person who files a claim under this subsection.

5 2. “Insulating concrete form” means a hollow expandable polystyrene form
6 system that is filled with concrete, but does not include the concrete used to fill the
7 form.

8 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
9 claimant may claim as a credit against the taxes imposed under s. 71.02, up to the
10 amount of the taxes, an amount equal to 10 percent of the amount that the claimant
11 paid in the taxable year to purchase for use in this state insulating concrete forms
12 used to construct the insulated exterior and interior walls of any building.

13 (c) *Limitations.* Partnerships, limited liability companies, and tax–option
14 corporations may not claim the credit under this subsection, but the eligibility for,
15 and the amount of, the credit are based on their payment of the amounts described
16 under par. (b). A partnership, limited liability company, or tax–option corporation
17 shall compute the amount of credit that each of its partners, members, or
18 shareholders may claim and shall provide that information to each of them.
19 Partners, members of limited liability companies, and shareholders of tax–option
20 corporations may claim the credit in proportion to their ownership interests.

21 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
22 s. 71.28 (4), applies to the credit under this subsection.

23 **SECTION 8o.** 71.10 (4) (cr) of the statutes is created to read:

24 71.10 **(4)** (cr) Insulating concrete forms credit under s. 71.07 (3x).

1 **SECTION 8p.** 71.21 (4) of the statutes, as affected by 2009 Wisconsin Act 28, is
2 amended to read:

3 71.21 **(4)** Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di),
4 (2dj), (2dL), (2dm), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3s), (3t), (3w),
5 (3x), (5e), (5f), (5g), (5h), (5i), (5j), (5k), and (8r) and passed through to partners shall
6 be added to the partnership's income.

7 **SECTION 8q.** 71.26 (2) (a) 4. of the statutes, as affected by 2009 Wisconsin Act
8 28, is amended to read:

9 71.26 **(2)** (a) 4. Plus the amount of the credit computed under s. 71.28 (1dd),
10 (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (1dy), (3g), (3h), (3n), (3p), (3q), (3r), (3t),
11 (3w), (3x), (5e), (5f), (5g), (5h), (5i), (5j), (5k), and (8r) and not passed through by a
12 partnership, limited liability company, or tax-option corporation that has added that
13 amount to the partnership's, limited liability company's, or tax-option corporation's
14 income under s. 71.21 (4) or 71.34 (1k) (g).

15 **SECTION 8r.** 71.28 (3x) of the statutes is created to read:

16 71.28 **(3x)** INSULATING CONCRETE FORMS CREDIT. (a) *Definitions.* In this
17 subsection:

18 1. "Claimant" means a person who files a claim under this subsection.

19 2. "Insulating concrete form" means a hollow expandable polystyrene form
20 system that is filled with concrete, but does not include the concrete used to fill the
21 form.

22 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
23 claimant may claim as a credit against the taxes imposed under s. 71.23, up to the
24 amount of the taxes, an amount equal to 10 percent of the amount that the claimant

1 paid in the taxable year to purchase for use in this state insulating concrete forms
2 used to construct the insulated exterior and interior walls of any building.

3 (c) *Limitations.* Partnerships, limited liability companies, and tax-option
4 corporations may not claim the credit under this subsection, but the eligibility for,
5 and the amount of, the credit are based on their payment of the amounts described
6 under par. (b). A partnership, limited liability company, or tax-option corporation
7 shall compute the amount of credit that each of its partners, members, or
8 shareholders may claim and shall provide that information to each of them.
9 Partners, members of limited liability companies, and shareholders of tax-option
10 corporations may claim the credit in proportion to their ownership interests.

11 (d) *Administration.* Subsection (4) (e) to (h), as it applies to the credit under
12 sub. (4), applies to the credit under this subsection.

13 **SECTION 8s.** 71.30 (3) (dn) of the statutes is created to read:

14 71.30 (3) (dn) Insulating concrete forms credit under s. 71.28 (3x).

15 **SECTION 8t.** 71.34 (1k) (g) of the statutes, as affected by 2009 Wisconsin Act 28,
16 is amended to read:

17 71.34 (1k) (g) An addition shall be made for credits computed by a tax-option
18 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (1dy),
19 (3), (3g), (3h), (3n), (3p), (3q), (3r), (3t), (3w), (3x), (5e), (5f), (5g), (5h), (5i), (5j), (5k),
20 and (8r) and passed through to shareholders.

21 **SECTION 8u.** 71.45 (2) (a) 10. of the statutes, as affected by 2009 Wisconsin Act
22 28, is amended to read:

23 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit
24 computed under s. 71.47 (1dd) to (1dy), (3g), (3h), (3n), (3p), (3q), (3r), (3w), (3x), (5e),
25 (5f), (5g), (5h), (5i), (5j), (5k), and (8r) and not passed through by a partnership,

1 limited liability company, or tax–option corporation that has added that amount to
2 the partnership’s, limited liability company’s, or tax–option corporation’s income
3 under s. 71.21 (4) or 71.34 (1k) (g) and the amount of credit computed under s. 71.47
4 (1), (3), (3t), (4), (4m), and (5).

5 **SECTION 8v.** 71.47 (3x) of the statutes is created to read:

6 71.47 **(3x)** INSULATING CONCRETE FORMS CREDIT. (a) *Definitions.* In this
7 subsection:

8 1. “Claimant” means a person who files a claim under this subsection.

9 2. “Insulating concrete form” means a hollow expandable polystyrene form
10 system that is filled with concrete, but does not include the concrete used to fill the
11 form.

12 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
13 claimant may claim as a credit against the taxes imposed under s. 71.43, up to the
14 amount of the taxes, an amount equal to 10 percent of the amount that the claimant
15 paid in the taxable year to purchase for use in this state insulating concrete forms
16 used to construct the insulated exterior and interior walls of any building.

17 (c) *Limitations.* Partnerships, limited liability companies, and tax–option
18 corporations may not claim the credit under this subsection, but the eligibility for,
19 and the amount of, the credit are based on their payment of the amounts described
20 under par. (b). A partnership, limited liability company, or tax–option corporation
21 shall compute the amount of credit that each of its partners, members, or
22 shareholders may claim and shall provide that information to each of them.
23 Partners, members of limited liability companies, and shareholders of tax–option
24 corporations may claim the credit in proportion to their ownership interests.

(d) *Administration*. Section 71.28 (4) (e) to (h), as it applies to the credit under s. 71.28 (4), applies to the credit under this subsection.

SECTION 8w. 71.49 (1) (dn) of the statutes is created to read:

71.49 (1) (dn) Insulating concrete forms credit under s. 71.47 (3x).

SECTION 8x. 77.92 (4) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

77.92 (4) “Net business income,” with respect to a partnership, means taxable income as calculated under section 703 of the Internal Revenue Code; plus the items of income and gain under section 702 of the Internal Revenue Code, including taxable state and municipal bond interest and excluding nontaxable interest income or dividend income from federal government obligations; minus the items of loss and deduction under section 702 of the Internal Revenue Code, except items that are not deductible under s. 71.21; plus guaranteed payments to partners under section 707 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3s), (3t), (3w), (3x), (5e), (5f), (5g), (5h), (5i), (5j), (5k), and (8r); and plus or minus, as appropriate, transitional adjustments, depreciation differences, and basis differences under s. 71.05 (13), (15), (16), (17), and (19); but excluding income, gain, loss, and deductions from farming. “Net business income,” with respect to a natural person, estate, or trust, means profit from a trade or business for federal income tax purposes and includes net income derived as an employee as defined in section 3121 (d) (3) of the Internal Revenue Code.”.

3. Page 6, line 20: after that line insert:

“SECTION 14. Initial applicability.

(1) The treatment of sections 71.05 (6) (a) 15., 71.07 (3x), 71.10 (4) (cr), 71.21 (4), 71.26 (2) (a) 4., 71.28 (3x), 71.30 (3) (dn), 71.34 (1k) (g), 71.45 (2) (a) 10., 71.47 (3x), 71.49 (1) (dn), and 77.92 (4) of the statutes first applies to taxable years beginning on January 1, 2010.”.

(END)